



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** January 26, 2006  
**AGENDA DATE:** February 2, 2006  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Irma Unzueta, Project Planner  
**SUBJECT:** Planning Commission Standard Conditions of Approval  
**RECOMMENDATION:** That the Planning Commission review and discuss the revised Standard Conditions of Approval Template

### **I. BACKGROUND**

The Planning Commission Standard Conditions of Approval have been developed over time with periodic updates intended to provide clarification, incorporate new state laws and regulations or promote efficiency. The Standard Conditions of Approval are a menu of requirements applied to projects that address land use development standards and policies as well as environmental conditions. Mitigation measures identified in Environmental Impact Reports and Negative Declarations that are unique to projects and intended to address potential environmental impacts are also incorporated as conditions of approval.

In an effort to provide a more efficient and concise set of Conditions of Approval, Staff representing the Land Development Team have worked together for the past two years to produce such a document (Exhibit A). As a result, the existing Planning Commission Condition of Approval template has been revised to include bolded headings, eliminate redundancy, update existing conditions and incorporate new conditions to satisfy state requirements.

Additionally, on September 16, 2005 and April 7, 2005, the Planning Commission reviewed amendments to the Municipal Code to establish the Staff Hearing Officer (SHO) and implement a number of discretionary process changes. The recommended process improvements included the type of projects that would be delegated to the SHO. As a part of the motion to delegate tentative subdivision maps of 2-4 condominiums or lots to the SHO, the Planning Commission requested that additional standard conditions of approval be added to condominium projects. These included, a) separate pedestrian connection of the sidewalk to the front door of each new condominium, b) textured paving to reduce the appearance of large paved areas, c) permeable paving of parking areas where feasible, and d) useable common open space. As a result, conditions reflecting the above requirements are included in the template.

The Planning Commission also requested that the Standard Conditions of Approval template be reviewed annually to ensure consistent application of these conditions by both the Planning Commission and the SHO (Exhibit B). On December 13, 2005, City Council adopted amendments to the Municipal Code to establish the Staff Hearing Officer (SHO). The SHO will become effective on February 13, 2006. In response to this request, the Planning Commission is being asked to review the revised set of Standard Conditions of Approval prior to the SHO taking effect. This will ensure that the SHO and the Planning Commission will apply the same set of Conditions of Approval to projects.

On January 18, 2006, the Planning Commission Process Improvement Subcommittee reviewed the revised template with Staff. As a result of comments made by the subcommittee, a few minor changes were made to further reduce redundancy and create a Table of Contents.

## **II. PROPOSED CHANGES TO THE STANDARD CONDITIONS OF APPROVAL**

### **A. GENERAL REVISIONS**

The Standard Condition of Approval template has been revised to be more efficient and concise. Where possible, conditions have been combined or eliminated to reduce redundancy. Conditions that are difficult to enforce have been eliminated or revised to make them more enforceable. Also, an effort has been made to designate the appropriate City Division/Department or individual responsible for reviewing and approving submittal requirements as well as ensuring that the condition is being satisfied.

For easy reference, a Table of Contents has been added to the conditions and bolded headings have been included for each condition. Several condition headings have been revised to separate Public Works requirements associated with submittals prior to the approval of final or parcel maps, from requirements prior to building permit issuance. Condition heading H relates to requirements and notes to be specified on the building permit plans. Condition heading I relates to construction requirements that must be carried out in the field and during construction.

Please note that, since the Standard Conditions of Approval template is a living document and subject to period updates, there will be future opportunities to review them.

### **B. STORM WATER MANAGEMENT PROGRAM (SWMP)**

In response to requirements under the Clean Water Act National Pollutant Discharge Elimination System (NPDES) provisions and to mitigate environmental impacts associated with storm water management and water quality, conditions of approval related to design standards and best management practices (BMP) are proposed to be included as standard conditions of approval. These conditions are based on measures in the City's Storm Water Management Program (SWMP) and are intended to implement the NPDES requirements in order to reduce storm water pollution to the maximum extent possible.

The SWMP was approved by the City Council on January 24, 2006, and will be forwarded to the Central Coast Regional Water Quality Control Board for approval in accordance with the requirements of the federal Clean Water Act. Upon state approval, condition language addressing construction and post-construction BMPs to control erosion and sedimentation, minimize peak storm water run-off and pollutants, conserve natural areas, protect slopes and channels, stencil and sign storm drains, design trash storage areas, and maintain ongoing BMPs will be refined by staff and incorporated into the Standard Conditions of Approval template. For review of example condition language, please refer to Exhibit C.

**C. STAFF HEARING OFFICER (SHO)**

The Staff Hearing Officer (SHO), which has been created to act on minor projects at the staff level, will become effective on February 13, 2006. As discussed above, the Planning Commission has requested that conditions of approval be applied to tentative subdivision maps of 2-4 condominiums or lots that require separate pedestrian connections of the sidewalk to the front door of each new unit, textured paving to reduce the appearance of large paved areas, permeable paving of parking areas where feasible, and useable common open space. These conditions are included in the Planning Commission Conditions of Approval template (Exhibit 1) as conditions D.8, D.9, D.10 and D.14.

**D. TRANSPORTATION AND CIRCULATION COMMITTEE REVIEW**

On January 12, 2006, the Transportation and Circulation Committee (TCC) received a presentation and reviewed the standard transportation menu of Planning Commission Conditions of Approval. Conditions reviewed by the TCC fall under the following six general categories:

1. Employee Oriented
2. Visitor Oriented
3. On-Site Access and Circulation
4. Public Access and Circulation
5. Construction Related
6. Future Transportation Conditions

Exhibit D outlines the TCC comments regarding conditions of approval associated with transportation. Where possible and appropriate, Staff has included language or added new conditions to the template that reflect the TCC's recommendations. Specifically, Conditions B.22 and B.23 have been revised to incorporate the TCC's recommendations.

**III. RECOMMENDATION**

Staff recommends that the Planning Commission receive a Staff presentation related to the proposed changes to the Planning Commission Standard Conditions of Approval template, hold a discussion and provide recommended revisions for incorporation into the template.

Exhibits:

- A. Draft Conditions of Approval Template
- B. Planning Commission Minutes, dated April 7, 2005
- C. Storm Water Management BMP Design Criteria and Example Conditions of Approval
- D. Transportation Planning Memorandum Minutes, dated January 25, 2006

PLANNING COMMISSION CONDITIONS OF APPROVAL MENU

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  6. **Off-Site Public Street Improvement Plans.**
  7. **Land Development Agreement.**
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  9. **Removal or Relocation of Public Facilities.**
  10. **Relocation of MTD Fixtures.**
  11. **Off-Site Parking Agreement Required.**
  12. **Voluntary Merger Required.**
  13. **Lot Line Adjustment Required.**
  14. **Maintenance Agreement Required.**

**F. Public Works Requirements Prior to Building Permit Issuance**

1. Recordation of (Parcel/Final Map, Voluntary Merger, Lot Line Adjustment) Agreements.
2. Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.
3. Storm Drain Operation and Maintenance Plan Required.

**G. Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.**

1. Project Environmental Coordinator Required.
2. Neighborhood Notification Prior to construction.
3. Contractor and Subcontractor Notification.
4. Archaeological Monitoring Contract.
5. Park Commission Tree Removal Approval.
6. Arborist's Monitoring.
7. Geology Report.
8. Soils Report.
9. Structural Engineering Report.
10. Recorded Affordability Covenant.
  - a. [For Ownership Units] Initial Sale Price Restrictions.
  - b. Resale Restrictions.
  - c. [For Rental Housing] Affordability Conditions.
  - d. Senior Housing Restrictions.
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11. Letter of Commitment for Pre-Construction Conference.
12. Final Planning Commission Resolution Submittal.

**H. Building Permit Plan Requirements.**

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3. Mitigation Monitoring and Reporting Requirement.
4. Grading Plan Requirement for Archaeological Resources.
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6. Technical Reports.
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8. Fire alarm System.
9. High Fire Hazard Construction.
10. Emergency Evacuation Plan.
11. Trash Enclosure Provision.
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9. **Landscape Maintenance Performance Bond.**
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11. **Rental Affordability Provisions Approval.**
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13. **New Construction Photographs.**
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15. **Archaeological Monitoring Contract.**

**K. Litigation Indemnification Agreement.**

**NOTICE OF APPROVAL TIME LIMITS**

**NOTICE OF DEVELOPMENT PLAN TIME LIMITS**

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS**

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW**

**CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS**

## PLANNING COMMISSION CONDITIONS OF APPROVAL

ADDRESS

APPLICATION(S)

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. **Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment).** Approval of the subject project is contingent upon adoption of an Ordinance approving the (annexation) (Specific Plan) (Ordinance/General Plan/Local Coastal Plan/Ordinance Amendment) by the (City Council) (California Coastal Commission) (Local Agency Formation Commission) (and completion of that annexation).
- B. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute (an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property") (a written instrument), which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
  1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
  2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
  3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)).
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)). Such plan shall not be modified unless prior written approval is obtained from the (ABR) (HLC). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
  5. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner shall be

responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new (Building permit) (Coastal Development Permit) is required to authorize such work.

6. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ on the Tentative Subdivision Map shall be designated as Affordable (Middle) (Upper-Middle) Income Units and sold only to and occupied only by households who qualify as (Middle) (Upper-Middle) Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Units No. \_\_\_\_\_ (2-bedroom units) = (\$271,800) (\$376,400)

Units No. \_\_\_\_\_ (3-bedroom units) = (\$324,200) (\$446,300)

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

7. **Rental Housing Restrictions.** For \_\_\_\_\_ of the dwelling units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low income units targeted to sixty percent (60%) of Area Median Income (AMI).

For \_\_\_\_\_ of the rental residential units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for very low income units targeted to fifty percent (50%) of Area Median Income (AMI).

The Affordable Units shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.

[Optional project-specific language regarding Section 8] Owner may charge rents higher than the identified affordability targets if Section 8 vouchers are used in accordance with the City's AHP&P, but the tenant share of the rent shall not be higher than the affordability targets stated above.

8. **Senior Housing Restrictions.** The Real Property may only be used for residential uses by elderly or senior persons who are sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").
9. **Required Redesign if Senior Housing Not Used.** In the event that the Real Property, or any portion thereof, is not or cannot be used solely for senior housing, the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect.
10. **Development Rights Restrictions.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved (Tentative Subdivision Map) (Development Plan) in order that those portions of the Real Property remain in their natural state. These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures or utility service lines. (The restricted areas shall be shown on the Final Map.) The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
11. **Approved Development.** The development of the Real Property approved by the Planning Commission on \_\_\_\_\_ is limited to (approximately \_\_\_\_\_ square feet of building area) (\_\_\_\_\_ (dwelling units) (lots)) and the improvements shown on the (Tentative Subdivision Map) (Development Plan) signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
12. **Building Height Restriction.** The height of any structure shall not exceed \_\_\_\_\_ feet above (natural grade) (finished grade) (sea level).
13. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
  - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
  - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

- c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
  - d. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
  - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
14. **Use Limitations.** Due to potential (traffic) (air quality) (parking) impacts, uses other than (general office) (warehouse) are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
15. **(Cliff Drive) Sewer Connection Requirement.** As a condition of approval of this project, Owner agrees to connect to the City sewer system when a sewer main is constructed in (Cliff Drive) at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
16. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
17. **(Oak) Tree Protection.** The existing \_\_\_\_\_ tree(s) shown on the (Tentative Subdivision Map) (Development Plan) (Tree Protection Plan) (Landscape Plan) shall be preserved, protected and maintained (in accordance with the recommendations contained in the arborist's report prepared by \_\_\_\_\_, dated \_\_\_\_\_. A copy of this report shall be attached to the recorded conditions as an exhibit.) (During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s).) The following provisions shall apply to any oak trees to remain on the property:
- a. No irrigation systems shall be installed within the drip line of any oak tree.
  - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
18. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.

19. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the \_\_\_\_\_ area, which drains directly into \_\_\_\_\_ Creek.
20. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
21. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
22. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Owner shall be responsible for insuring that all tenants comply with the provisions of the approved Transportation Management Plan.
  - a. **TDM Administrator.** The Owner shall appoint a TDM Administrator responsible for the alternative mode incentives. The TDM Administrator shall contract with Traffic Solutions for training and assistance in administrating their program. The TDM Administrator shall provide an annual report to the Community Development Director and the Transportation Manager illustrating the number of users, describing the marketing techniques and program results, including successes and failures.
  - b. **Carpool Parking Spaces.** A minimum of \_\_\_\_\_ preferential parking spaces for carpools shall be designated by "Carpool Permit Parking Only" signs. Carpool permits shall be issued to those employees who arrive at the Real Property with two (2) or more persons in the car, four (4) or more times per week, except for part-time employees who are eligible if they carpool every day that they work.

- c. **Bus Passes.** The Owner and/or all employers shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired. A copy of the contract with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project.
  - d. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
  - e. **Shower and Locker Facilities.** Male and female employee shower and locker facilities shall be provided and maintained in a restroom (the location is subject to the review and approval of the Public Works Director). The showers shall be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired.
  - f. **Ride-Sharing Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
  - g. **Employee Lunch Room.** A \_\_\_\_\_ square foot employee lunchroom shall be provided in the building, including the following amenities: (refrigerator, microwave oven, sink, food preparation area, tables and chairs).
  - h. **Bicycle Parking.** \_\_\_\_\_ bicycle parking spaces shall be provided, including \_\_\_\_\_ covered spaces, and \_\_\_\_\_ bicycle lockers.
  - i. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
  - j. **Company Vehicle.** The Owner shall provide a company vehicle(s) for employees who use alternative transportation to run errands.
23. **Visitor Information Program.** A Visitor Information Program shall be prepared and implemented, subject to review and approval by the Public Works Director. The program shall include, but not be limited to:
- a. Provide links to alternative transportation sites on the company website.

- b. Provide mail information to visitors (prior to them coming) regarding alternative transportation available in Santa Barbara.
  - c. Provide shuttle service to and from rail and regional bus services.
  - d. A means of providing train, bus and airline schedules and maps to prospective hotel guests.
  - e. A means of providing hotel guests with information on alternative transportation modes, schedules and maps of access to the Central Business District, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. These passes shall be available to any guests who request them.
  - c. Advertisement for and solicitation of meetings and other events which includes explanation of the City's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
  - d. A means of coordinating special events with the City so that appropriate traffic controls, rerouting and timing of events can be achieved.
  - e. Free shuttle service to the airport, train depot, bus depot and other hotels shall be provided.
  - f. Bike rentals shall be made available to hotel guests.
  - g. **Shuttle Bus Passes.** The Owner shall contact Metropolitan Transit District (MTD) to purchase shuttle bus passes or their equivalent for their hotel guests. These passes shall be provided free of charge to hotel guests to encourage shuttle bus usage. Explicit notice of the free passes shall be provided to hotel guests upon arrival. A copy of the contract with MTD shall be submitted annually along with the TDM Administrator's report to the Community Development Director and the Transportation Manager
24. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations.
25. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
26. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water



pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.

27. **Off-Site Parking Agreement.** The Owner shall provide off-site parking to meet the (generated) parking demand, as determined by the Public Works Director. If the parking demand is not met, the project shall be returned to the Planning Commission for further review and consideration.
- C. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$850 for projects with Environmental Impact Reports and \$1,250 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- D. **Design Review.** The following is subject to the review and approval of the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)):
  1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with a minimum (24-inch box sized) (15 gallon size) tree of an appropriate species or like species.
  2. **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measures:
    - a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
    - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
    - c. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by \_\_\_\_\_, dated \_\_\_\_\_, shall be implemented.
    - d. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
      - (1) During construction, fencing or protective barriers shall be placed around the dripline of all oak trees located within 25 feet of development.

- (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the \_\_\_\_\_. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
  - (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
  - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
  - (5) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)). No irrigation system shall be installed under the dripline of any oak tree.
  - (6) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a (three to one (3:1)) (five to one (5:1)) (ten to one (10:1)) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
  - (7) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
3. **Tree Relocation.** The existing \_\_\_\_\_ tree(s) shall be relocated on the Real Property and shall be fenced and protected during construction. *[refer to Arborist's Report, if applicable]*
4. **Existing Tree Preservation.** The existing tree(s) shown on the approved (Tentative Subdivision Map) (Site Plan) to be saved shall be preserved and protected and (fenced) (fenced at the dripline) during construction.
5. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff and sloped areas. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.

6. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
  7. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to (buffer the parking area from \_\_\_\_\_) (screen the \_\_\_\_).
  8. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
  9. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided (along the driveway) (to the units at the rear of the property) from the sidewalk through the use of a different (paving) (walkway) material.
  10. **Minimize Visual Effect of Paving.** (Textured or colored pavement shall be used in paved areas of the project) (Landscaping/ribbon driveway shall be provided) to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
  11. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
  12. **Crime Analyst Plan Review.** The Developer shall meet with the City Police Department Crime Analyst prior to Preliminary Approval to determine how lighting, locking mechanisms, egress and fencing can be designed and installed to reduce the potential number of calls for police service from occupants of the Real Property.
  13. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  14. **Permeable Paving.** Incorporate a permeable paving system for the (project driveway(s)) (parking area(s)) that will allow a portion of the driveway runoff to percolate into the ground.
- E. **Public Works Submittal Prior to Final/Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final/Parcel Map for the project:
1. **Final/Parcel Map.** The Owner shall submit to the Public Works Department for approval, a (Final) (Parcel) Map prepared by a licensed land surveyor or registered Civil Engineer. The (Final) (Parcel) Map shall conform to the requirements of the City Survey Control Ordinance.

2. **Dedication(s).** Easements (as shown on the approved Tentative Subdivision Map) (described as follows), subject to approval by the Public Works Department and/or the Building and Safety Division:
  - a. All street purposes along \_\_\_\_\_ Street in order to establish a \_\_\_\_\_-foot wide public right-of-way.
  - b. A \_\_\_\_\_-foot wide easement for (storm drainage) (sanitary sewer) (water) purposes for (\_\_\_\_\_) (as shown on the approved Tentative Subdivision Map).
  - c. A(n) \_\_\_\_\_-foot wide access for (non-motorized access) (vehicles/pedestrians).
  - d. Hiking and/or riding trail, subject to approval by the Parks and Recreation Department and the Public Works Department.
  - e. A reciprocal access easement (\_\_\_\_\_ feet in width) for (vehicles, pedestrians) on APN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_, in favor of APN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_.
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
5. **Drainage Calculations) (Hydrology Report).** The Owner shall submit (drainage calculations) (a hydrology report) justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.
6. **Off-Site Public Street Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on \_\_\_\_\_ Street/Avenue. The C-1 plans shall be submitted separately from plans submitted for a Building permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), asphalt concrete, concrete pavement on aggregate base, crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City/private water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), supply and install \_\_\_\_\_

(residential) (commercial) standard street light(s), style to be determined by the Public Works Department and the ABR, coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, storm drain stenciling pollution prevention interceptor device, off-site biofilter/swale sized per drainage calculations, \_\_\_\_\_ new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

7. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
8. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
10. **Relocation of MTD Fixtures.** Relocation of the MTD (bus stop) (red curb) (bench) (pole) (sign) on \_\_\_\_\_ Street, as determined by the Public Works Director and MTD.
11. **Off-Site Parking Agreement Required.** Submit an off-site parking agreement to provide off-site parking to meet the (generated) parking demand, as determined by the Public Works Director. The agreement is subject to review and approval by the City Attorney.
12. **Voluntary Merger Required.** The Real Property known as APN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ and APN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.
13. **Lot Line Adjustment Required.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the

lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.

14. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed (private road) (driveway), subject to the review and approval of the Public Works Director and City Attorney.

**F. Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Recordation of (Parcel/Final Map, Voluntary Merger, Lot Line Adjustment) Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.

**G. Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, approved by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) to the City. The contract shall include the following, at a minimum:
  - a. The frequency and/or schedule of the monitoring of the mitigation measures.
  - b. A method for monitoring the mitigation measures.
  - c. A list of reporting procedures, including the responsible party, and frequency.
  - d. A list of other monitors to be hired, if applicable, and their qualifications.

The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the (Project Environmental Coordinator (PEC) and) Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
4. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase \_\_\_\_\_ Archaeological Resources Report prepared for this site by \_\_\_\_\_, dated \_\_\_\_\_. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, the Owner shall retain a Barbareño Chumash representative from the

most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

5. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of (trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) in the front yard setback) (street tree(s)).
6. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work (within the dripline of all \_\_\_\_\_ trees) (within \_\_\_\_\_ feet of all \_\_\_\_\_ trees) during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
7. **Geology Report.** Submit to the Building and Safety Division a geology report prepared by a licensed engineer or geologist for \_\_\_\_\_.
8. **Soils Report.** Submit to the Building and Safety Division a soils report.
9. **Structural Engineering Report.** Submit to the Building and Safety Division a structural engineering report, prepared by a structural engineer, as required by the Building Official for \_\_\_\_\_.
10. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:

- a. **[For Ownership Units:] Initial Sale Price Restrictions.** The dwelling units designated as units number \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ on the Tentative Subdivision Map shall be designated as Affordable (Middle) (Upper-Middle) Income Units and sold only to and occupied only by households who qualify as (Middle) (Upper-Middle) Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Units No. \_\_\_\_\_ (2-bedroom units) = (\$271,800) (\$376,400)

Units No. \_\_\_\_\_ (3-bedroom units) = (\$324,200) (\$446,300)

**Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.



- c. **[For Rental Housing:] Affordability Conditions.** Owner shall sign and cause to be recorded against the Property an affordability control covenant, in a form approved by the City Attorney, which requires compliance with the requirements for low income rental units as specified in the City's Affordable Housing Policies and Procedures, with rents targeted as follows:
  - (1). For 25 of the units, the target income percentage shall be eighty percent (80%).
  - (2). For the remaining 26 units, the target income percentage shall be fifty percent (50%). For these units, HUD housing choice vouchers may be used and the rents shall not exceed the HUD exception rents, and the tenant's share of the rent shall not exceed rents based on a target income percentage of fifty percent (50%).

The covenant shall require that the Property be owned by a not-for-profit public benefit corporation, and shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. [If these Planning Commission Conditions restrict the number of motor vehicles that may be owned by the residents, the Covenant shall also contain these restrictions]. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.

- d. **Senior Housing Restrictions.** The Real Property may only be used for residential uses by elderly or senior persons who are sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").
  - e. **Required Redesign if Senior Housing Not Used.** In the event that the Real Property, or any portion thereof, is not or cannot be used solely for senior housing, the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect.
11. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, (the Archaeologist, the Architect, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator), the Contractor and each subcontractor.

12. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- G. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the (Architectural Board of Review) (Historic Landmarks Commission), outlined in Section \_\_\_\_\_ above.
  2. **Pre-Construction Conference.** Prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner (Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.
  3. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the (Mitigated Negative Declaration) (Environmental Impact Report) for the project.
  4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition \*\*\*, above, which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.
6. **Technical Reports.** All recommendations of the (geology) (structural engineer) (soils) report(s), approved by the Building and Safety Division, shall be incorporated into the construction plans.
7. **Fire Sprinkler System.** A fire sprinkler system shall be provided.
8. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.
9. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
10. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
11. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.  
  
*[For commercial and multi-family projects]* Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
12. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.
13. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall provide sufficient and appropriate receptacles, such as recycling containers, in each

room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations.

14. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, \_\_\_\_\_ bicycle parking spaces shall be provided, including \_\_\_\_\_ covered spaces and \_\_\_\_\_ bicycle lockers.
15. **Guest Parking.** \_\_\_\_\_ guest parking space(s) shall be provided on each proposed lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. (Their) (Its) size and location shall be determined by the Public Works Director.
16. **Vehicle Access.** Vehicles (exiting) (entering) (to) (from) \_\_\_\_\_ Street shall be restricted to \_\_\_\_\_ turns only, and a (NO LEFT TURN) (NO RIGHT TURN) sign shall be posted and maintained on-site advising motorists of this restriction.
17. **Stop Sign.** A "STOP" sign shall be installed at \_\_\_\_\_.
18. **Street/Traffic Control Sign.** The Owner must (relocate) (furnish and install) the (street name) (and traffic control) sign(s) to Public Works Department construction standards.
19. **Parking Loss Requirements.** At least two (2) weeks prior to closure of the parking lot on the Real Property, the Owner shall notify all lot users, in writing, of the closure, and shall inform them of the availability of spaces in the City's commuter parking lots, and offer to pay the commuter parking lot permit cost. A copy of such notification shall be sent to the Community Development Director and Transportation Manager.  
  
The commuter parking permits may be temporarily or permanently reduced in number or increased back to \_\_\_\_\_ permits by the City Transportation Division, if necessary, by submitting a letter to the Owner of the Real Property which states that only a specific number of permits are available, based on the availability of parking in the commuter lots. The City is not obligated to provide permits.
20. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be located \_\_\_\_\_, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
21. **(Private Road)(Driveway) Improvements.** The proposed (private road) (driveway) shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
22. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.

23. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
24. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
25. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner

Date

---

Contractor

Date

License No.

---

Architect

Date

License No.

---

Engineer

Date

License No.

- H. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a \_\_\_\_\_-ton container for collection of demolition/construction materials.
2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.

4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1 <sup>st</sup> *
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
Presidents' Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup> *
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 <sup>th</sup> *

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work at outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
  - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
14. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
15. **Tree Protection.** Notes on the grading plan that specify the following:
  - a. No grading shall occur under the driplines of the existing tree(s).
  - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.
  - c. All excavation within the dripline of the tree(s) shall be done with hand tools.
  - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
  - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).

- f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- 16. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- 17. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- I. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
  - 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  - 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.



3. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
4. **(Backwater Valve) (Backflow Device).** Provide an approved (backwater valve) (backflow device) placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
6. **Montecito Water District Service.** Obtain a "can and will serve" letter from Montecito Water District .
7. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)).
8. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
9. **Landscape Maintenance Performance Bond.** A Performance Bond shall be provided to the Building and Safety Division for landscape maintenance and assurance of adequate plant growth and health. Such Bond shall be for a period of \_\_\_\_ years and shall be in an amount necessary to cover the cost of installation and replacement of the landscaping and irrigation system for the entire site in accordance with landscaping plans approved by the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)) and on file at the Building and Safety Division. Prior to the release of said Bond, the Building and Safety Division shall make an inspection of the Real Property and make a determination that the landscaping is in substantial compliance with the approved plans. If the landscaping is not in compliance, the Bond shall not be released and shall be extended for a period of time as determined by the Building Official.
10. *[For projects with affordable ownership units]* **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.

11. *[For projects subject to affordable rental housing restrictions:]* **Rental Affordability Provisions Approval.** Obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the of the following: (a) the recorded affordability covenant as approved by the City Attorney, the process for selecting the initial residents of the affordable rental units, (c) the eligibility of the initial residents, and (d) the form of the rental agreement used. For projects with senior occupancy requirements or restrictions on the number of motor vehicles per resident, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the recorded implementing document, which assures compliance with the senior housing restriction and/or the restrictions on the number of motor vehicles owned, used, possessed or stored by residents.
  12. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the (Certificate of Occupancy) (Final Inspection), whichever is earlier.
  13. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
  14. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
  15. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for on-going monitoring.
- J. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.
- Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the

City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Conditional Use Permit, Modification or Variance shall terminate two (2) year from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. A Building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.
3. The project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail.

**NOTICE OF DEVELOPMENT PLAN TIME LIMITS:**

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS  
AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.

Building Code, even if the building is not listed. For chimney caps, staff defers to the manufacturer's specifications. The chimney caps are only required for wood-burning chimneys.

Mr. Vincent suggested that what the Planning Commission takes from this discussion is the ADA Guidelines (Title 2) and Title 24 of the States Building Code, which the City has adopted, will have effects on project design. As the Planning Commission is reviewing projects, give staff time to evaluate various options and present a palette of options to the Commission.

Recessed at 4:23 p.m., and reconvened at 4:46 p.m.

Commissioners Jacobs and Larson left during the break.

## **VII. PUBLIC HEARING:**

### **ACTUAL TIME: 4:46 P.M.**

#### **PROPOSAL TO AMEND SECTIONS OF THE SANTA BARBARA MUNICIPAL CODE INCLUDING TITLE 27 (SUBDIVISIONS) AND TITLE 28 (THE ZONING ORDINANCE) IN ORDER TO IMPLEMENT RECOMMENDED DISCRETIONARY PROCESS IMPROVEMENTS (MST2004-00611)**

The City of Santa Barbara is considering Amendments to the Santa Barbara Municipal Code, Title 27 Subdivisions and Title 28 of the Zoning Ordinance, and an Amendment to the Local Coastal Program to expand the type of projects that can be acted on at the Staff level. Changes would result in the creation of a Staff Hearing Officer who would act on minor projects. The proposed changes were considered by the Planning Commission on September 16, 2004. The purpose of this hearing is to get Planning Commission feedback on the proposed recommendations before taking them to City Council. Projects being recommended to be acted on by the Staff Hearing Officer include:

- Time extensions for Tentative Subdivision Maps
- New residential condominium developments and subdivisions that create four or fewer units/lots
- Residential condominium conversions that involve four or fewer units
- Non-residential condominium conversions
- New non-residential condominium development of <3,000 s.f.
- Lot line adjustments involving 4 lots or less
- Development Plan Approvals for projects less than 3,000 square feet
- Modifications and Performance Standard Permits
- Minor public works facilities improvements
- Minor Coastal Development Permits
- Amendments to conditions of approval
- Adoption of Mitigated Negative Declarations for Staff Hearing Officer eligible projects

Additional recommendations include:

- Administrative approval of time extensions (except Tentative Subdivision Maps)

- Standardizing the noticing for discretionary projects (except projects subject to design review only)
- On site posting for development projects
- Prohibiting permitted multi-family unit projects that have received a building permit or certificate of occupancy from converting to condominiums for five years, irrespective if they meet the physical standards for condominiums
- Amending Chapter 28.45.009, the Coastal Overlay Zone (part of the City's Local Coastal Program) to establish a process for dealing with emergencies and temporary events within the Coastal Zone and to clarify the process for the granting of Coastal Exclusions for single family residences in the non-appealable jurisdiction.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305, Minor Alterations in Land Use Limitations.

Beatriz Ramirez, Project Planner, gave a presentation of the proposal.

The public hearing opened at 6:04 p.m., and the following person spoke with concerns about an aspect of the proposal:

Steven K. McGuire - also submitted correspondence for the record.

With no one else wishing to speak, the public hearing was closed at 6:15 p.m.

Ms. Weiss and Ms. Hubbell both addressed the PC and clarified some of the statements that were voiced by Mr. McGuire.

Commissioners' comments and questions:

1. Asked when an applicant begins the process, if they know up front whether the application goes before the Staff Hearing Officer (SHO) or the Planning Commission.
2. Requested an explanation regarding the condition of approval requiring a Litigation/Indemnification Agreement.
3. The program can be supported because it has built in checks and balances.
4. The public participation enhancements are excellent and concern has been shown as to who is notified and when.
5. Asked for clarification of the car washes proposed to be delegated to the SHO.
6. Stated there are two kinds of affordable housing, with rentals being less expensive housing.
7. Asked for clarification regarding the proposed Performance Standard Permits (PSP) for public works facilities and whether "by right" means a permitted use in the zone.
8. Questioned sending any private lift station to SHO that is similar in size to a five-car garage.
9. Asked for an explanation of additional dwelling units in single-family residential zones proposed via a PSP.

10. Asked whether additional dwelling unit Conditional Use Permits (CUP) have been processed in the past. Cannot remember seeing one during his time on the Commission. Is there a limit on the number of dwelling units involved?
11. Regarding the Tentative Subdivision Maps going to the SHO instead of the Planning Commission: Expressed concern about the ones proposed in commercial zones; developers might be encouraged to go to SHO instead of the Commission; and SHO process may be a good thing in residential but not in commercial zones.
12. Asked if design review would be required in all cases.
13. In regard to the 10% additions allowed with a coastal exclusion, asked if the additions are cumulative.
14. Likes that the SHO meetings will be televised.
15. Asked if the Planning Commission can appeal SHO decisions and if there will be different staff involved. Asked if there will be a cost associated with an appeal of a SHO decision and if it will apply to the Commission if they appeal the decision. Requested consideration for lengthening the appeal period beyond 10 days from the date of the hearing.
16. Asked if the liaison to the SHO will receive all of the staff reports before the hearing.
17. Asked Staff if they have a strategy for allowing the Commission to take more time with the larger projects now that time will be saved from delegation of the smaller projects to the SHO.
18. Asked Staff if they anticipate a noticeable improvement for the general public or is this more an improvement for staff.
19. Asked if the time of day and location for these meetings have been set.
20. Asked if Staff believed closing the loophole to allow conversion of recently permitted rental units to condominiums will discourage small rental or condominium projects.
21. Suggested applicants be required to declare their intention of whether the units will be rental or condominiums when beginning the process.

Mr. Vincent explained who is responsible and how the process works when a lawsuit on a project approval is filed against the City. He also noted that, as the appeal process is developed, he will review to assure that it is consistent with the standards of due process.

Ms. Ramirez explained that stand-alone car washes would go to the SHO. When proposed as part of gas stations, they would go to Planning Commission. She also stated that additions for Coastal Exclusions would be cumulative.

Mr. Kato responded about additional dwelling unit CUPs, and the benefits to the Commission to have the SHO take on some of their minor projects.

Ms. Weiss also addressed the additional dwelling units' issue, as well as outlining her position as the SHO. The SHO would establish a clear process with less judgment on referring projects to Planning Commission for review. SHO hearings are likely to be held on Wednesday afternoons by moving Sign Committee meetings to Wednesday mornings.

Commissioner Jostes asked to hear public comment.

Chair Maguire opened the public comment at 6:00 p.m., and the following person addressed the PC outlining his concerns:

Steve Maguire, Attorney, also submitted a letter for the record.

With no one else wishing to speak, the public comment was closed at 6:10 p.m.

Ms. Weiss commented on some of Mr. Maguire's comments and concerns about condominium conversion timing.

**MOTION: Jostes/Mahan**

**Assigned Resolution No. 026-05**

Recommended that City Council approve all the proposed changes outlined in the Planning Commission Staff Report, with the exception of Tentative Maps for 2-4 lots/units and limitations on conversions of recently permitted multi-family units to condominiums, performance standard permits for car washes, public works facilities of 1,000 square feet as permitted uses, and support of the appeal process with added recommendations. Section IV, V & VI accepted. Commissioner Mahan stated he cannot support Section IV.K, car washes and Section IV.M, public works facilities. Asked if there will be review over time, to see that it is working.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jacobs, Larson & White)

Chair Maguire announced this is a recommendation to the City Council.

Chair Maguire suggested an annual report on the SHO process until the Planning Commission determines it is no longer necessary. Would like assurance that the Commission is not going to be charged for making an appeal, and would like to see some guidelines put in place. Concerned about the 10-day appeal process; would like to see it addressed and maybe changed to 15 days. Suggested the Commission be informed electronically with action minutes as soon as possible after the SHO hearing, and the Planning Commission liaison should receive the entire packet. Posting on property (page 15) does not include Conditions of Approval and would like to make them available on the construction site. Does not feel we can go beyond the 10-day appeal period, and would like to discuss referring items to PC. Suggestion was to receive notice prior to the hearing.

**MOTION: Jostes/Mahan**

Recommended that City Council approve the recommended changes for Staff Hearing Officer review of Tentative Subdivision Maps for up to 4 lots/units with additional standard conditions of approval requiring a separate pedestrian connection to the sidewalk to the front door of each condominium unit for textured pavement to reduce expansive pavement, permeable paving for parking areas where feasible, and common useable open space. The Standard Conditions of Approval template shall be reviewed annually by the Planning Commission and the Staff Hearing Officer.

This motion carried by the following vote:



Ayes: 3 Noes: 1 (Maguire) Abstain: 0 Absent: 3 (Jacobs, Larson & White)

Chair Maguire stated that these projects already go through design review; however, his concern with the loss of reviewing these projects is with providing a direct pedestrian connection to the sidewalk, and with projects that are completely residential in the commercial zones downtown, causing loss of commercial square footage, and concerns with relationships between commercial and residential projects.

Commissioner Mahan stated, if staff could incorporate guidelines for the SHO, the Commission could approve this proposal. Chair Maguire stated he is comfortable with the proposal if the Commission is able, with public participation, to review the standard conditions of approval on an annual basis.

Commissioner Myers suggested having the first review of the Standard Conditions of Approval in the fall.

Chair Maguire suggested restricting SHO lot line adjustment review to those with no development potential.

**MOTION: Jostes/Mahan**

Recommended that City Council remove Performance Standard Permits for car washes in the C-2 zone from the list of recommendations and revise Public Works facilities that would be a permitted use subject to standards to 500 square feet maximum.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jacobs, Larson & White)

Commissioner Mahan had a concern regarding car washes. His main concern is traffic and those adjacent to residential zones, and feels they are big and complicated.

Commissioner Mahan feels a 1000 square feet threshold for public works facilities is too big, and is unwilling to support the motion without changing the maximum size.

Mr. Vincent stated the effects from these categories are nuisance effects. They will also have to meet design review standards.

Pat Saley, Consultant, addressed the PC and stated they chose the 1000 square feet as a standard but can change it to 500 feet.

Chair Maguire noted they neglected to address the conversion of multiple family into condos, and staff's proposal is five years and he cannot support that. He stated he will support if developers state their intention.

**MOTION: Jostes/Mahan**

Defer the amendments to limit the conversion of recently permitted or constructed multi-family rental projects to condominiums to a future discussion.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jacobs, Larson & White)

Mr. Vincent stated that his office will review all suggestions regarding the process for due process considerations to be sure they are not setting up something that will cause problems later.

**VIII. ADMINISTRATIVE AGENDA (ADDRESSED AT 2:57 P.M.)**

A. Committee and Liaison Reports.

Commissioner Jacobs spoke regarding the airport terminal process and announced Tuesday, April 12, 2005, in the Administrative Building is when the airport terminal redesign process starts. Commissioner Mahan also elaborated on the subject.

Commissioner Jacobs also commented on the Neighborhood Preservation Ordinance.

Chair Maguire reported on the Transportation and Circulation Meeting Group, the West Side Study Group, and 101 In Motion.

B. Review of the decisions of the Modification Hearing Officer in accordance with SBMC §28.92.026.

None were requested.

C. Action on the review and consideration of the items listed in I.B.2. of this Agenda.

I.B.2. Review and consideration of the following Planning Commission Resolutions and Minutes:

- a. Minutes of November 18, 2004
- b. Resolution No. 051-04  
816 Cacique Street
- c. Resolution No. 052-04  
1509 Knoll Circle Drive
- d. Resolution No. 053A-04  
1701 La Vista Del Oceano Drive
- e. Resolution No. 053B-04  
422-448 Santa Fe Lane
- f. Minutes of January 6, 2005
- g. Resolution No. 001-05  
1316 Bath Street

**City of Santa Barbara Development Application Review Team (DART)**  
**Storm Water Management (Phase II NPDES)**  
**Design Criteria and Example Conditions of Approval**

Following are design criteria for storm water management and standard wording for conditions of approval applied to discretionary projects to implement State and local regulations and/or to mitigate environmental impacts associated with storm water management and water quality. The example condition language is a starting point for developing project-specific conditions of approval appropriate to an individual project and site circumstances. Because specific project characteristics and physical site and environmental situations differ from project to project, it is important that the condition language be reviewed carefully and customized as appropriate before applying it to an individual project.

**CONSTRUCTION-RELATED BMP DESIGN CRITERIA AND CONDITIONS**

*Construction erosion and sedimentation control is provided for all projects in accordance with the Building Division Erosion Control Policy (July 2003) and Public Works Department Procedures for the Control of Runoff into Storm Drains and Watercourses, which identify the types of BMPs, methods for application, design and installation relative to project size and type, location, and site characteristics, and inspection and approval requirements. Reference manuals used for BMPs are the Association of Bay Area Governments Manual of Standards for Erosion and Sediment Control, the Erosion and Sediment Field Control Manual, and the California Stormwater Best Management Practices Handbook.*

**Construction Erosion/Sedimentation Control Plan** *(Apply when soil disturbance  $\geq 1$  acre, and/or steep slopes  $\geq 15\%$ , and/or adjacent to creek) (Prior to Building or Public Works Permit).* Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the site preparation, earthwork, and construction process. The applicant shall submit and obtain *(Building Division or Public Works Department)* approval of a detailed erosion control plan for the project prepared by a licensed or certified professional soil erosion and sediment control specialist, a California licensed civil engineer, landscape architect, registered geologist, or a licensed architect. The erosion control plan shall specify appropriate best management practices to control erosion and sedimentation based on the Association of Bay Area Governments *Manual of Standards for Erosion and Sediment Control*, the *Erosion and Sediment Field Control Manual*, and/or the *California Stormwater Best Management Practices Handbook*. Construction site operators shall be responsible for implementation of sedimentation control and good housekeeping measures in accordance with the approved erosion control plan and the Public Works Department *Procedures for the Control of Runoff into Storm Drains and Watercourses*. City *(Building Division or Public Works Department)* staff will site inspect to ensure proper installation, ongoing implementation, and effectiveness of approved BMPs, and may adjust requirements in the field if necessary to protect water quality.

**Construction Standard Erosion/Sedimentation Control** *(Apply when soil disturbance  $< 1$  acre, slopes  $< 15\%$ , and not immediately adjacent to creek) (Prior to Building or Public Works Permit)* Project grading and construction shall be conducted using adequate and appropriate best

management practices (BMPs) to minimize erosion and sedimentation and protect water quality throughout the site preparation, earthwork, and construction process, in accordance with the Building Division *Erosion Control Policy* and Public Works Department *Procedures for the Control of Runoff into Storm Drains and Watercourses*. BMPs are outlined in the following reference manuals: Association of Bay Area Governments *Manual of Standards for Erosion and Sediment Control*, the *Erosion and Sediment Field Control Manual*, and/or the *California Stormwater Best Management Practices Handbook*. Construction site operators shall be responsible for implementation of sedimentation control and good housekeeping measures. City (Building Division or Public Works Department) staff shall approve BMPs to be used, and shall site inspect to ensure their proper installation, ongoing implementation, and effectiveness, and may adjust requirements in the field if necessary to protect water quality.

## POST-CONSTRUCTION BMP DESIGN AND CONDITIONS

*The following design provisions for post-construction storm water best management practices are minimum requirements\* for one-acre or larger discretionary development or redevelopment projects of the following types, and must be implemented as applicable through the DART project design review process and/or conditions of approval:*

*Single-Family Hillside Residences*

*100,000 Square Foot Commercial Developments*

*Automotive Repair Shops*

*Retail Gasoline Outlets*

*Restaurants*

*Home Subdivisions with 10 or more housing units*

*Parking lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff.*

*These criteria are also incorporated as applicable to all discretionary projects through the DART design review process and/or conditions of approval to the maximum extent feasible given project and site circumstances.*

*As appropriate to ensure ongoing implementation of post-construction best management practices BMPs, BMP facility design and owner responsibility for ongoing facility maintenance and inspection/reporting should be applied as Recorded Conditions that run with the land. Review and approval of post-construction BMP facility design and construction-related BMPs should be required prior to issuance of grading/construction permits.*

*(\*from State General Permit of the State Water Resources Control Board for Small Municipal Storm Water Systems pursuant to the National Pollutant Discharge Elimination System (NPDES), Attachment 4).*

**Storm Water Management (Recorded).** Project storm water shall be conveyed per approved plans that incorporate long-term (*site layout/landscaping, structural, and/or treatment*) best management practices (BMPs) to manage storm water quantity and protect water quality, including (*peak storm water discharge rates, natural area conservation, minimization of pollutants of concern, protection of slopes and channels, storm water drain system stenciling and signage, outdoor material storage design, trash storage area design, structural or treatment control BMPs, individual project type design components*).

**Ongoing Storm Water BMP Maintenance** *(Recorded)*. For all approved long-term site (layout/landscaping, structural, treatment) best management practices (BMPs) for storm water management and the protection of water quality, the (landowner and/or owners association) shall provide ongoing maintenance in working order, and yearly inspection and ( $> 1$ -acre projects - report to the City annually, others - maintain annual records and provide to City upon request), for the life of the project. The owners and any future owners shall record in the official records of Santa Barbara County either (private covenants, a reciprocal easement agreement, or a similar agreement) which shall provide for the ongoing maintenance and at least yearly inspection and reporting of long-term structural and treatment BMPs until such time as property ownership is transferred or a signed agreement from an public entity is established that assumes responsibility for ongoing BMP maintenance and inspection. Printed information materials shall be required to accompany the first deed transfer and any subsequent sale of the property, to highlight the existence of the requirement, the storm water management facilities, signs that maintenance is needed, how necessary maintenance can be performed, and assistance that local government may be able to provide.

**Peak Storm Water Runoff Discharge Rates** *(prior to Building or Public Works Permit)*. *(Apply for specified  $\geq 1$ -acre projects, and for other projects as feasible and where the peak rate would result in downstream erosion)* Storm water shall be conveyed per approved plans, and project peak storm water discharge rates shall not exceed pre-project rates. The applicant shall submit project plans and drainage calculations demonstrating to the satisfaction and approval of (Public Works Engineering and/or Building and Safety Division) that project peak storm water discharge rates shall not exceed pre-project rates. The (landowner and/or owners association) shall maintain approved storm water systems in working order for the life of the project, and shall inspect and ( $\geq 1$  acre-report to City annually,  $< 1$  acre - maintain annual reports and provide to City upon request).

Design Criteria: An increase in run-off is to be retained on-site and filtered using structural BMPs, such as detention basins, bioswales (vegetated filters) an mechanical BMPs, such as manufactured filters. These systems are to retain at a minimum the peak run-off differential from pre- and post-conditions for a 25-year storm, if feasible and practicable for the site. If these methods are not feasible or practical, projects are to retain excess water with underground tanks under the same above-mentioned criteria if feasible. Runoff is calculated by County of Santa Barbara hydrograph data and the Manning Equation. Bioswale and retention calculations are determined with the SCS, synthetic unit triangular method. The project review and approval process directs all developments to decrease the post-construction runoff with at least the same volume of retention. The following equation has been used for volumetric calculations of retention:  $V = 0.5 \times Q_{25} \text{ increase} \times 2.67 \times T_c$ , where  $Q_{25} \text{ increase}$  is the increased post-construction runoff and  $T_c$  is the time of concentration which is 720 seconds.

**Natural Area Conservation** *(prior to BP)*. The applicant shall submit project plans and landscape plans demonstrating that the project shall conserve natural areas to the extent feasible to the satisfaction and approval of the (Architectural Board of Review or Historic Landmarks Commission or Planning Division). The (landowner and/or owners association) shall maintain approved landscaping and natural areas for the life of the project, and shall inspect yearly and ( $\geq 1$  acre - report to City annually,  $< 1$  acre - maintain annual reports for submittal to City upon request).

Design Criteria: Project site lay-out and landscape plans shall, to the extent feasible, minimize the amount of grading and native vegetation removal; maximize the amount of natural area, trees, and vegetation; utilize native and drought-tolerant plants; meet ordinance provisions for parking lot landscaping; and preserve riparian and wetlands areas.

See also Conservation and Open Space Element policies, Local Coastal Plan policies, ABR Design Guidelines and Landscape Guidelines, Erosion/Sedimentation Control Policy, and SBMC provisions for Development Along Creeks, Neighborhood Preservation Ordinance, single Family Design Guidelines, and Parking Design. For riparian and wetland areas, coordinate measures with any applicable permitting agencies, such as U.S. Army Corps of Engineers, State Department of Fish and Game, and Regional Water Quality Control Board. See also Standard Conditions for landscape plans and tree/vegetation removal and protection/replacement, and project-specific technical reports for creek restoration, and habitat preservation requirements.

**Minimization of Storm Water Pollutants of Concern (prior to BP).** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of concern (*specify BMPs*). The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from (*Public Works Engineering and/or Building and Safety Division*). The (*landowner and/or owners association*) shall maintain approved facilities in working order for the life of the project, and shall inspect annually and ( $\geq 1$  acre – submit report to City annually,  $<1$  acre – maintain annual reports and submit upon City request).

Design Criteria: General pollutants of concern are those associated with automobiles, such as oil, grease, and metals, and suspended solids resulting from erosion and sedimentation. Use-specific pollutants of concern are oils, grease, metals, and nutrients associated with particular commercial/industrial uses, such as restaurants, gas stations, and auto repair facilities that involve site, equipment, or vehicle washing. The general criterion is to apply one or more BMPs as feasible given site circumstances.

For small projects, the direction is to promote passive BMPs that require little maintenance, such as use of vegetated swales for site drainage, use of permeable types of paving, and minimizing hardscape areas. If detention is required per the general policy of no increase in post-development runoff, it can be part of a treatment system. This may consist of BMPs such as vegetated swales and detention basins, or filters coupled with detention or infiltration BMPs, where water is filtered through a manufactured filter before discharge to the vegetated swale or detention basin. The general design criteria is 1" for detention systems and .25" for flow-through treatment systems.

For automotive-related pollutants of concern, projects with 10 or more parking spaces are required to incorporate BMPs. A BMP may be required to treat runoff from the entrance drive for covered parking areas by collecting the water in a trench drain and filtering before discharge. Basement parking garages must provide for treatment of any storm water that is discharged from the basement garage to the storm drain. Typical BMPs are to discharge to a vegetated swale, constructed sand filter, or through a manufactured BMP, such as a drain filter or wet-sump filter.

For suspended solids associated with erosion and sedimentation, particularly for projects in hillsides, near creeks, or that involve substantial earthwork, adequate measures are required for

*long-term post-construction slope stability and erosion/sedimentation control through the project design review and conditions. Such measures may include project siting and layout to avoid steep slopes (exceeding 15%); adequate setbacks from creeks, as determined based on technical analysis of individual project and site circumstances, including geomorphic, hydraulic, biologic, and geotechnical investigation as appropriate, generally with minimum 25-foot setback from urban area creeks.*

*See also Conservation Element policies, Local Coastal Plan policies, and Municipal Code provisions for Development Along Creeks, Natural Watercourses and Storm Drain System, Liquid and Industrial Waste Disposal, Parking Design, and Public Works Procedures for the Control of Runoff to Storm Drains and Watercourses, and Erosion/Sedimentation Control Policy.*

**Protection of Slopes and Channels (prior to BP).** The project shall incorporate long-term storm water best management practices (BMP) facilities per approved plans to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff, including (*apply as appropriate*). The applicant shall submit project plans to the satisfaction of (*Public Works Engineering and/or Building and Safety Division*) that incorporate long-term storm water BMPs to minimize to the extent practicable erosion of slopes and/or channels and impacts to storm water runoff quantity and quality. The (*landowner and/or owners association*) shall maintain approved BMP facilities in working order for the life of the project, and shall inspect at least annually and (*> 1 acre – submit report to City annually; < 1 acre – maintain annual reports and submit upon City request*).

*Design Criteria: Adequate long-term post construction slope stability and erosion/sedimentation control shall be provided through project design review and conditions. Such measures may include project siting and layout to avoid steep slopes (exceeding 15%); adequate setbacks from creeks, as determined based on technical analysis of individual project and site circumstances, including geomorphic, hydraulic, biologic, and geotechnical investigation as appropriate, generally with minimum 25-foot setback from urban area creeks; conveyance of runoff safely from the tops of slopes and stabilization of disturbed slopes; utilization of natural drainage systems to the maximum extent practicable; stabilization of permanent channel crossings; vegetation of slopes with native or drought-tolerant vegetation; installation of energy dissipators such as riprap at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with specifications to minimize erosion.*

*See also Conservation Element policies, Local Coastal Plan policies, Architectural Board of Review design guidelines and landscape guidelines, and Municipal Code provisions for Neighborhood Preservation Ordinance, Development Along Creeks, Natural Watercourses and Storm Drain System, Liquid and Industrial Waste Disposal, and Public Works Procedures for the Control of Runoff to Storm Drains and Watercourses, and Erosion/Sedimentation Control Policy.*

**Storm Drain System Stenciling and Signage (prior to BP).** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of (*Public Works Engineering and/or Building and Safety Division*) that identify storm drain inlet locations throughout the project area, and specified wording and design

treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The *(landowner and/or owners association)* shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and ( $\geq 1$  acre – submit report annually;  $< 1$  acre – maintain annual reports and submit upon City request).

Design Criteria: Apply to all public and private storm drain inlets and catch basins as feasible.

**Outdoor Material Storage Area Design** (prior to BP). The project outdoor material storage area(s) shall incorporate long-term structural storm water best management practices (BMPs) per approved plans: The applicant shall submit project plans to the satisfaction of *(Public Works Engineering and/or Building and Safety Division)* that incorporate long-term structural containment BMPs for outdoor materials storage areas to protect storm water quality. The *(landowner and/or owners association)* shall maintain these structures in working order for the life of the project to protect storm water quality, and shall inspect at least annually and ( $\geq 1$  acre – report to City annually;  $< 1$  acre – maintain annual reports and submit upon City request).

Design Criteria: Apply the following design criteria as feasible when material storage area may contribute pollutants to the storm water conveyance system. (1) Materials with the potential to contaminate storm water shall be placed within an enclosure such as cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system, or shall be protected by secondary containment structures such as berms, dikes, or curbs; (2) The storage area shall be paved and sufficiently impervious to contain leaks and spills; and (3) The storage shall have a roof or awning to minimize collection of storm water within the secondary containment area.

**Trash Storage Area Design** (prior to BP). Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality: The applicant shall submit project plans to the satisfaction of *(Public Works Engineering and Solid Waste and/or Building and Safety Division)* that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The *(landowner and/or owners association)* shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect at least annually and ( $\geq 1$  acre – report to City annually;  $< 1$  acre – maintain annual records and submit upon City request).

Design Criteria: Trash containers shall have drainage from adjoining roofs and pavement diverted around the areas; and trash container areas shall be screened or walled to prevent off-site transport of trash. Individual single family residences may be exempted from this requirement if determined by City to be infeasible.

**Structural or Treatment Control BMPs.** *(Restaurants and retail gasoline outlets with less than 5,000 square feet of development/redevelopment area are excluded by State from numerical requirements below, but the measures should be applied if feasible)* Long-term (volumetric and/or flow-based treatment control) best management practices (BMPs) shall be incorporated into project development per approved plans and shall (infiltrate, filter or treat) storm water as follows: (apply as appropriate.) The applicant shall submit project plans to the satisfaction of *(Public Works Engineering and/or Building and Safety Division)* that incorporate long-term structural or treatment control BMPs to protect storm water quality. The *(landowner and/or owners association)* shall maintain these storm water quality protections facilities and practices



for the life of the project, and shall inspect at least annually and ( $\geq 1$  acre - report to City annually;  $< 1$  acre – maintain annual records and submit upon City request).

Design Criteria: For volumetric systems, the design criterion is a 1" storm. For flow-through treatment systems, the design criterion is .25" for four hours.

(The State General Permit minimum design standards in Attachment 4 are as follows for specified 1-acre or larger discretionary projects, except restaurants and retail gasoline outlets where the developed area is less than 5,000 square feet are exempt from the numerical BMP design requirements: Volumetric Treatment Control BMP: (a) The 85<sup>th</sup> percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998), or (b) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial (2003); or (c) The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" that achieves approximately the same reduction in pollutant loads achieved by the 85<sup>th</sup> percentile 24-hour runoff event. Flow-Based Treatment Control BMP: (a) The flow of runoff produced from a rain event equal to at least two times the 85<sup>th</sup> percentile hourly rainfall intensity for the area; or (b) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.)

**Storm Water BMP Maintenance Agreement** (prior to BP). The applicant shall submit draft agreements for recordation, to the satisfaction of the City Attorney, (Community Development Director, and/or Public Works Director), that provide that (owner, owner association, and/or public agency) for ongoing maintenance in working order and yearly inspection and ( $\geq 1$  acre - report to the City annually;  $< 1$  acre – maintain annual records and submit upon City request) for long-term (site layout/landscaping, structural, and/or treatment) best management practices (BMPs) approved as part of the project plans for storm water management and protection of water quality.

Design Standards: Maintenance agreements shall provide for ongoing owner maintenance and at least yearly inspection and reporting of long-term structural and treatment BMPs, until such time as property ownership is transferred or a signed agreement from an public entity is established that assumes responsibility for ongoing BMP maintenance and inspection. Printed information materials shall be required to accompany the first deed transfer and any subsequent sale of the property, to highlight the existence of the requirement, the storm water management facilities, signs that maintenance is needed, how necessary maintenance can be performed, and assistance that local government may be able to provide.

**Individual Project Types - Design Components.** The project shall implement approved structural best management practice (BMP) components to protect storm water quality, including (specify). The applicant shall submit project plans to the satisfaction of (Public Works Engineering and/or Building and Safety Division) that incorporate long-term structural or treatment control BMPs to protect storm water quality. The (landowner and/or owners association) shall maintain approved storm water quality protection facilities in working order for the life of the project, and shall inspect at least annually and ( $> 1$  acre – submit report to City annually;  $< 1$  acre – maintain annual records and submit upon City request).

Design Standards:

- *Loading/Unloading Dock Area Design [100,000 square foot commercial developments; automotive repair shops]: Design to minimize potential transport of spills to storm water system: Loading dock areas shall be covered, or drainage shall be designed to minimize run-on and runoff of storm water. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.*
- *Repair/Maintenance Bay Design [100,000 square foot commercial developments; automotive repair shops]: Design to avoid oil, grease, solvents, car battery acid, coolant, and gasoline from entering storm water runoff: Bays shall be indoors or designed to avoid storm water run-on or contact with storm water runoff. Bay drainage system shall be designed to capture all washwater, leaks and spills, with drains connected to a sump for collection and disposal, and direct connection of bays to the storm water system prohibited. Obtain Industrial Waste Discharge Permit if required.*
- *Vehicle/Equipment Wash Area Design [100,000 square foot commercial developments; restaurants; automotive repair shops]: Design to avoid allowing metals, oil, grease, solvents, phosphates, and suspended solids to get into the storm water system. Area for washing/steam cleaning of vehicles and equipment shall be self-contained and/or covered, equipped with a clarifier (restaurants with greasetraps), or other pretreatment facility, and wash area shall be properly connected to a sanitary sewer or other appropriate permitted disposal facility.*
- *Fueling Area Design [retail gasoline outlets; automotive repair shops]: Design to avoid oil, grease, solvents, car battery acid, coolant, and gasoline from getting into the storm water system. The fuel dispensing area shall be covered with an overhanging roof structure, or canopy with minimum dimensions equal to or greater than the area with the grade break. The canopy shall not drain onto the fuel dispensing area, and canopy downspouts must be routed to prevent drainage across the fueling area. The fuel dispensing area shall be paved with Portland cement concrete or equivalent smooth impervious surface, and the use of asphalt concrete is prohibited. The fuel dispensing area shall have a 2% to 4% slope to prevent ponding, and shall be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable. The concrete fuel dispensing area shall extend a minimum of 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less.*
- *Parking Lot Design: Design to contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons from vehicles and prevent their transport to storm water systems. Reduce impervious land coverage of parking areas. Infiltrate or treat runoff: For heavily used parking lots (lots with 25 or more parking spaces and lots for uses such as fast food outlets, sporting events, shopping malls, grocery stores, discount warehouse stores) treat to remove oil and hydrocarbons; and ensure adequate operation and maintenance of treatment systems , especially sludge and oil removal and system fouling and plugging prevention. )*




City of Santa Barbara  
Public Works Department

## Interoffice Memorandum

**DATE:** January 25, 2006

**TO:** Planning Commission

**FROM:** Rob Dayton, Supervising Transportation Planner 

**SUBJECT:** PLANNING COMMISSION (PC) CONDITIONS OF APPROVAL  
RELATING TO TRANSPORTATION

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Transportation Planning has been involved in the review of the standard Conditions of Approval. As a part of our review, our staff brought the transportation related Conditions to the Transportation and Circulation Committee (TCC). We sorted and simplified the list to facilitate the discussion by including the general requirement and reason for the requirement (see attachment).

Transportation Planning staff presented the Conditions of Approval as an opportunity to affect the policy decisions in the Land Development review process. We requested the TCC to review the list, comment, and make recommendations to the PC. The TCC recommended the list with the following additions and comments:

Employee Oriented:

- Provide company vehicles for employees to run errands.
- Provide training for the TDM manager.
- Make language stronger related to TDM items.
- Develop an annual reporting mechanism for the TDM program.
- Develop more aggressive marketing including more posting of announcements to alert employees of alternative transportation options, and to make them more aware of programs such as Ride Share.
- Consider having employers pay for their employees to have access to health clubs, which would eliminate the burden of providing shower facilities for smaller companies.

Visitor Oriented:

- Mail information to visitors (prior to them coming to here) regarding alternative transportation available in Santa Barbara.

Future Transportation Conditions:

- Develop a more fair and equitable approach of similar requirements for non-discretionary projects (including such development as remodels) and not just to larger projects that come before the PC.
- Add traffic calming measures, if warranted
- Request transportation studies and improvements, if warranted.
- Add shuttle services to and from rail and regional bus services.
- Develop an enforcement program to ensure that established conditions of approval are actually in place and followed.

We have attached a draft copy of the TCC minutes. At the time of the preparation of this memorandum, the TCC has not yet met to approve the minutes from January 12, 2006 meeting.

The recommendations of the TCC have been incorporated into the complete list of recommended Conditions of Approval as prepared by the Planning Division.

SW/RD/avb

Attachments

cc: Transportation and Circulation Committee  
Tony Nisich, Public Works Director  
Browning Allen, Transportation Manager  
Stacey Wilson, Associate Transportation Planner  
Anne Van Belkom, Senior Office Specialist

# Transportation Menu of PC Conditions of Approval

The following is a list of the menu of standard Planning Commission Conditions of Approval that Transportation Staff employs for projects that go before the Planning Commission:

## Employee Oriented

1. Create a Transportation Demand Management (TDM) Plan for the business that includes the designation of a TDM Manager and all applicable strategies for the site.
2. Provide preferential and reserved carpool parking spaces for those users that qualify as carpools.
3. Provide free bus passes to those employees who request them as an alternative means of commuting to work.
4. Post an announcement that free bus passes are offered to employees.
5. Post the bus routes and schedules to allow employees to make informed commuting decisions.
6. Relocate or upgrade the MTD bus stop in the area of the project to enhance the transit network.
7. Provide shower and locker facilities for both male and female employees to encourage alternative transportation.
8. Make employees aware of the Ride Share Program and Traffic Solutions as a means to match up potential carpools.
9. Provide an employee lunch room so that employees do not need to make a vehicle trip at lunch.
10. Design covered and secure bicycle parking that will encourage employees to choose to cycle to work.
11. Provide a guaranteed ride home for employees who use alternative means of transportation.

## Visitor Oriented

1. Provide a visitor information program that shall include the following:
  - a. Provide free bus passes to hotel guests.
  - b. Provide train, bus, and airline schedules and maps to guests.
  - c. Provide information on alternative transportation modes.
  - d. Include explanation of the City's clean air goals in all solicitation for events.
  - e. Coordinate with the City on special events.
  - f. Provide a free shuttle to the airport, train, bus depot, and other hotels so that a guest would not need the use of a vehicle.
  - g. Provide bike rentals to guests to allow a vehicle alternative for commuting and recreational vehicle trips.

# Transportation Menu of PC Conditions of Approval

## On-Site Access and Circulation

1. Design pedestrian access ways (permeable) on site to minimize the visual effects of paving and to calm traffic.
2. Provide an off-site parking agreement as a means of reducing additional paving while meeting the project's parking demand.
3. Provide pedestrian-oriented lighting to increase the desirability of walking at night.
4. Remove driveway(s) to reduce potential conflicts.
5. Provide regulatory signs as needed to assign right of way.
6. Provide a project directory to inform site users of the internal circulation for the project.

## Public Access and Circulation

1. Dedicate an easement and possibly a maintenance agreement for any of the following transportation facilities as a means to enhance the City's circulation network:
  - a. public street
  - b. sidewalk
  - c. on-street vehicle parking
  - d. access way for vehicles or pedestrians
  - e. paseo
  - f. trail

## Construction Related

1. Notification of a parking loss shall be provided a minimum of 30 days in advance as a means to allow users to make plans for alternative transportation or other vehicle parking. Include information about the City's downtown commuter lots in the notice.
2. Provide a plan, as appropriate, for construction related traffic, including haul routes and hours to minimize the temporary negative effects of the construction on the circulation network users.
3. Provide free off-street parking and storage for construction workers during the project's construction to minimize on-street parking in the project area.
4. Repair any damaged public improvements to maintain the City's circulation network in good working condition.

## Future Transportation Conditions

The following is a list of additional conditions that staff is considering applying to future projects that go before the Planning Commission:

1. Participate in a car sharing program within the City.
2. Participate in a parking cash-out program to provide an equivalent monetary reward for employees who do not drive to work.
3. Provide an employee program that includes a compressed work week, staggered work hours, or flextime.



# MEETING MINUTES

CITY OF SANTA BARBARA

## TRANSPORTATION AND CIRCULATION COMMITTEE (TCC)

David Gebhard Public Meeting Room  
630 Garden Street, Santa Barbara, CA  
Thursday, January 12, 2006  
6:00 PM

CALL TO ORDER: Chair Coffman-Grey called the meeting to order at 6:01 p.m.

### ROLL CALL:

#### TCC MEMBERS

William C. Boyd  
Mark Bradley  
Michael Cooper  
Isabelle Greene  
Keith Coffman-Grey  
David Tabor

#### Attendance

Present  
Present  
Present  
Present  
Present  
Present

#### CITY STAFF PRESENT :

Browning Allen, Transportation Manager  
Robert J. Dayton, Supervising Transportation Planner  
Anne Van Belkom, Senior Office Specialist  
Stacey Wilson, Associate Transportation Planner  
Jan Hubbell, Senior Planner

#### OTHERS PRESENT:

Steve Maas, Manager of Strategic Planning and Compliance

CHANGES TO THE AGENDA: None.

### PUBLIC COMMENT:

1. None.

Following Public Comment, Chair Coffman- Grey awarded a plaque to Barry Siegel honoring him for his work as a member, Vice-Chair, and Chair of the TCC from July 20, 1999 through December 13, 2005. Browning Allen informed the TCC that Mr. Siegel was actually one of the original members when the TCC was formed. Both Chair Coffman-Grey and Mr. Allen indicated that Mr. Siegel had made a great contribution to the TCC and would be missed.

### CONSENT CALENDAR:

2. APPROVAL OF MINUTES:

A motion was made by Mr. Tabor to approve the TCC Minutes from November 10, 2005, as written. The motion was seconded by Mr. Coffman-Grey.

Ayes: 6

Noes: 0

Abstain: 0

Absent: 0

3. MTD's Monthly Report – DT/WF Shuttle and Commuter Lot Shuttle – Browning Allen.

Mr. Allen indicated to the TCC that Steve Maas from MTD was in the audience and would take any questions. Chair Coffman-Grey asked about the Carrillo Lot Shuttle and the number of people parking in the Carrillo Lot now that there has been an increase in fees. Mr. Allen will follow up on that and get the information back to the TCC.

4. Transportation Menu of Planning Commission's Conditions of Approval.

Rob Dayton informed the TCC that this was an opportunity to influence policy decisions made by the Planning Commission. He explained that the menu in front of them consisted of standard Conditions of Approval that involved transportation. He also introduced Stacey Wilson, Associate Transportation Planner, and Jan Hubbell, Senior Planner, whose responsibilities included making sure that transportation related conditions of approval are considered and included, if appropriate, when pertinent projects are reviewed.

Mr. Dayton briefly described the categorization process of the transportation related conditions of approval and stated that the purpose of this agenda item was to review the conditions and then make a recommendation to the Planning Commission. TCC members were invited to ask questions and suggest additional items that were not included in the menu.

Each TCC member commented on the menu and/or suggested items that should be added to the menu. TCC members wanted to make sure to include their additions in the menu as part of the motion for approval. Mr. Dayton briefly summarized the items that would be included in the menu, as requested by the TCC members.

**MOTION :** Made by Boyd and seconded by Greene.

The TCC recommends that the Planning Commission approve the Transportation Menu of the Planning Commission Conditions of Approval:

**Employee Oriented:**

- Provide company vehicles for employees to run errands.
- Provide training for the TDM manager.
- Make language stronger related to TDM items.
- Develop an annual reporting mechanism for the TDM program.
- Develop more aggressive marketing including more posting of announcements to alert employees of alternative transportation options, and to make them more aware of programs such as Ride Share.
- Consider having employers pay for their employees to have access to health clubs, which would eliminate the burden of providing shower facilities for smaller companies.

**Visitor Oriented:**

- Mail information to visitors (prior to them coming to here) regarding alternative transportation available in Santa Barbara.



Future Transportation Conditions:

- Develop a more fair and equitable approach of similar requirements for non-discretionary projects (including such developments as remodels) and not just larger projects that come before the PC.
- Add traffic calming measures, if warranted
- Request transportation studies and improvements, if warranted.
- Add shuttle services to and from rail and regional bus services.
- Develop an enforcement program to ensure that established Conditions of Approval are actually in place and followed.

Ayes: 6      Noes: 0      Abstains: 0      Absent: 0

5. Review of Upcoming Agenda Items.

Browning Allen updated the TCC with the following:

- 1/26 – Traffic Solution's Annual Report Annual Report - Information.  
Continue Discussion on Enhanced Transit Subcommittee Recommendation – Action.
- 2/23 - Elect new TCC Chair and Vice-Chair.
- Future Agenda Items will include the Oak Park Mobility Plan including Results of Ballot. Victor Garza, Parking/TMP Superintendent, will be presenting an update on the Bike Station that will go into the Granada Garage, which is scheduled for completion by either April or May 2006.

TCC members asked to have the following items added to future agendas:

- Traffic Calming Measures including the Los Olivos/APS site – how effective are the devices and what is the response of the community.
- Regional Transit Issues: Transit Center lacks adequate sheltered waiting area for people waiting for buses.
- Resolving issue of parking on streets that are too narrow for cars to park.
- Mr. Boyd indicated his personal concern about the rash of negative letters to the editor of the News-Press criticizing the traffic calming devices in the St. Francis Area Neighborhood. He is concerned that these letters seemed to have been written by persons who do not even live in this neighborhood and thus may not give readers a true indication of how the actual residents of the neighborhood regard these traffic calming devices. Mr. Allen reminded the TCC that the installations were still temporary and that a report was being prepared that would include all of the comments as well as a complete analysis of how effective each traffic-calming device has been. Once this report is finished, it will come before the TCC for their review and comment. Dr. Cooper suggested that a public hearing be held before the TCC in order to hear both pro and con comments from the general public and from the affected neighborhood.

TRANSPORTATION AND CIRCULATION COMMITTEE

Meeting Minutes

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- Chair Coffman-Grey reminded Mr. Allen that the Streetlight Subcommittee would probably be ready for a presentation to the TCC in February. The subcommittee is finalizing the wording.
- Mr. Boyd asked to have the TCC see the preliminary survey results of the Downtown Employee Survey, prior to the TCC taking any action on the Enhanced Transit Subcommittee recommendation. Mr. Allen stated he is still waiting for the portion of the report regarding the number of employees in the Downtown area. However, he feels that this should not prevent the TCC from going forward with their recommendation for enhancements to transit. Mr. Allen informed the TCC that he will return to the committee with a contract for their review and approval.
- Dr. Cooper gave an update on the Plaza De La Guerra Subcommittee which will be going through the City process to go out to bid for the \$1 Million that is available to improve Plaza De La Guerra.
- Mr. Boyd asked about the subcommittee that was being created in order to resume the study on the Transit Center. Mr. Allen replied that the Redevelopment Agency staff has sent out a Request for Proposal for an analysis. It will be several months before the subcommittee will be able to look into this in more detail.

**ADJOURNMENT: 7:04 p.m.**